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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TPOV ENTERPRISES 16, LLC, a Delaware
Limited Liability Company,

Plaintiff,

vs.

PARIS LAS VEGAS OPERATING
COMPANY, LLC, a Nevada limited liability
company,

Defendant.

PARIS LAS VEGAS OPERATING
COMPANY, LLC, a Nevada limited liability
company,

Counterclaimant.

vs.

TPOV ENTERPRISES, LLC, a Delaware
Limited Liability Company, TPOV
ENTERPRISES 16, LLC, a Delaware Limited
Liability Company, ROWEN SEIBEL, an
individual.

Counter-defendants.

CASE NO. 2:17-cv-00346-JCM-VCF

**STIPULATION AND
ORDER TO EXTEND DEADLINE TO
FILE MOTION FOR ATTORNEYS' FEES**

Plaintiff/Counterdefendant TPOV Enterprises 16, LLC ("TPOV 16"), Counterdefendant
TPOV Enterprises, LLC ("TPOV"), and Counterdefendant Rowen Seibel ("Seibel") (collectively,
"Seibel and the TPOV Entities") and Defendant/Counterclaimant Paris Las Vegas Operating

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Company, LLC ("Paris") (collectively, the "Parties"), by and through their undersigned counsel of record, stipulate and agree as follows:

1. On July 17, 2020, this Court adopted Judge Ferenbach's report and recommendation in full, ordered that TPOV's answer was stricken as to TPOV only, and directed the clerk to enter default against TPOV. (ECF No. 229.)

2. On July 20, 2020, a default judgment was entered by the clerk. (ECF No. 230.)

3. The parties are in discussion surrounding the Court's entrance of a default judgment.

a. TPOV believes that the clerk erred by entering a default judgment as opposed to a default because, as noted above, this Court only directed the clerk "to enter default" as to TPOV, which follows the recommendation from Judge Ferenbach pursuant to his February 19, 2020 report and recommendation. Further, under FRCP 55, obtaining a default judgment entails two steps: First, obtaining a default; and Second, obtaining a default judgment. *See, e.g., Teller v. Dogge*, No. 2:12-cv-591 JCM (GWF), 2014 U.S. Dist. LEXIS 139632, at *3 (D. Nev. Sept. 30, 2014); *see also Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986) (referencing "the two-step process required by Rule 55" for obtaining a default judgment).

b. Paris is analyzing TPOV's request to have the Parties ask this Court to vacate and set aside the default judgment so that the clerk may instead enter a default.

c. Each Party reserves all rights with regard to entry of the default judgment.

4. In the interim, the parties stipulate to extend the time set forth in FRCP 54(d) and LR 54-14 for Paris to file its motion for attorneys' fees and costs to August 10, 2020.¹

5. This is the first stipulation for extension of time to file the motion for attorneys' fees and costs and will not impact any other deadlines.

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¹ By entering into this stipulation, TPOV does not concede the propriety of the timing of such motion.

6. This stipulation is made in good faith and not for purposes of delay.

DATED this 3rd day of August 2020.

DATED this 3rd day of August 2020.

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BAILEY ♦ KENNEDY

By: /s/ M. Magali Mercera
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*Attorneys for TPOV Enterprises 16, LLC,
TPOV Enterprises, LLC and Rowen Seibel*

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: August 5, 2020

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